

Remarks

Claim 1 has been amended to recite that (1) the thermoplastic resin of which the coated formed product is mainly composed is styrene-based; and (2) the resin with which the pigment has been surface treated is a thermosetting styrene-modified acrylic resin or a thermosetting acrylic resin. Support for (1) may be found in the specification at, *inter alia*, paragraphs [0021], [0022] and [0024] of the published application. Support for (2) may be found in the specification at, *inter alia*, paragraphs [0012], [0076], [0093], [0095] and [0099] of the published application.

Accordingly, none of the amendments to claim 1 add new matter.

1. Rejection under 35 U.S.C. § 103(a)

In asserting the rejection of claims 1-9 are rejected as allegedly obvious over U.S. Patent No. 6,958,127 (“the ‘127 patent”), the Examiner indicates that the ‘127 patent is prior art to the subject application only under 35 U.S.C. § 102(e).

Applicants note that the ‘127 patent is a national stage filing of International Application PCT/JP97/01227, which published as a Japanese-language document on October 23, 1997 as WO 97/38838. Because this date is more than one year before the effective filing date of the subject application, WO 97/38838 is potentially prior art under § 102(b). A copy of WO 97/38838 (which includes an English-language abstract) is being submitted concurrently with the filing of this response in a supplemental IDS.

As amended, Applicants’ claim 1 recites the features of a pigment whose surface is coated with a thermosetting styrene-modified acrylic resin or a thermosetting acrylic resin having compatibility with both the styrene-based thermoplastic resin constituting the formed product as well as the thermoplastic resin constituting the coating compound which contains the pigment. Applicants respectfully submit that the ‘127 patent does not teach or suggest such a composition, even less with the recited compatibility requirements. More specifically, the ‘127 patent does not teach or suggest a formed regenerated product comprising a coated film that includes a pigment whose surface is coated with a thermosetting resin with Applicants’ claimed compatibilities. In fact, the ‘127 patent teaches away from the recycling of a coated form

product that uses a thermosetting resin in combination with a thermoplastic resin (see, *e.g.*, col. 37, line 66 through col. 38, line 6 of the '127 patent). For at least these reasons, this rejection by the Examiner should be withdrawn.

2. Rejection under Obviousness-Type Double Patenting

Claims 1-9 are rejected as allegedly patentably indistinct from the claims in the '127 patent.

As discussed above in Section 1, claim 1 as amended recites a pigment whose surface is coated with a thermosetting styrene-modified acrylic resin or a thermosetting acrylic resin having compatibility with both the styrene-based thermoplastic resin constituting the formed product as well as the thermoplastic resin constituting the coating compound which contains the pigment. Applicants respectfully submit that the '127 patent does not teach or suggest such a composition, even less with Applicants' recited compatibility requirements. Accordingly, Applicants' claims 1-9 are clearly patentably distinct over the claims in the '127 patent and this rejection should be withdrawn.

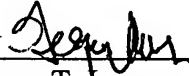
3. Conclusion

Upon consideration of the foregoing, it will be recognized that Applicants have fully and appropriately responded to all of the Examiner's rejections. Accordingly, the claims are believed to be in proper form in all respects and a favorable action on the merits is respectfully requested. The Examiner is invited to contact the undersigned with any questions or concerns that may prevent this requested allowance.

Except for issues payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

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Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202-739-3000
Fax: 202-739-3001

Respectfully submitted,
Morgan, Lewis & Bockius LLP



Gregory T. Lowen
Registration No. 46,882
Direct: 202-739-5915